become decidedly weaker than the other. Subjection enters and law ceases, but the result is the same as that attained by law. For now it is the wisdom of the superior which advises to spare the inferior and not uselessly to squander his strength. Thus the position of the inferior is often more favourable than that of the equal.—Hence legal conditions are temporary *means* counselled by wisdom, and not ends.

27.

EXPLANATION OF MALICIOUS JOY.—Malicious joy arises when a man consciously finds himself in evil plight and feels anxiety or remorse or pain. The misfortune that overtakes B. makes him equal to A., and A. is reconciled and no longer envious. —If A. is prosperous, he still hoards up in his memory B/s misfortune as a capital, so as to throw it in the scale as a counter-weight when he himself suffers adversity. In this case too he feels "malicious joy" *(Schadenfreude).* The sentiment of equality thus applies its standard to the domain of luck and chance. Malicious joy is the commonest expression of victory and restoration of equality, even in a higher state of civilisation. This emotion has only been in existence since the time when man learnt to look upon another as,his equal—In other words, since the foundation of society.

28.

THE ARBITRARY ELEMENT IN THE AWARD OF PUNISHMENT.-—To most criminals punishment